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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,138	02/28/2000	Regis J. Crinon	SLA0207	9032
20575	7590	09/21/2004	EXAMINER	
MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205			JAIN, RAJ K	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/514,138

Applicant(s)

CRINON, REGIS J.

Examiner

Raj Jain

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 6 is objected to because of the following informalities: Examiner believes Claim 6 is a repeat of claim 5 with slight paraphrasing of claim 5, as the limitations of both these claims performs the same functions. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al (US Pat. 6,327,275 B1) hereafter referred to as Gardner, in view of Eleftheriadis et al (US Pat. 6079566) hereafter referred to as Eleftheriadis.

Regarding claims 1 & 7, Gardner discloses a method and apparatus for remultiplexing packets that are provided at variable rates in digital bitstreams using a delay buffer and rate estimation (see abstract and Fig 1). The apparatus comprises of:

- a) a first demultiplexer operable to demultiplex a transport stream into packets each having a given packet identifier (the remultiplexer shown in Fig 1 (110) and Fig 2);
- b) at least two transport buffers operable to receive packets from the first demultiplexer, each said transport buffer receiving packets with the same

Art Unit: 2664

packet identifier (the transport buffers are provided at the encoder to prevent overflow and underflow of data see col 1 lines 50-63, as the number of streams may vary, so shall the required number of buffers incorporated such as for data, video and audio, see col 2 lines 1-14);

c) a smoothing buffer, corresponding to one of the transport buffers, to operable to receive packets from the transport buffer at a predetermined rate (see Fig 2 (220) for smoothing of data, reducing short term fluctuations in the data stream, see col 5 lines 14-67);

Elementary data buffers operable to receive the data access unit data from the second demultiplexer. Gardner discloses the use of buffers to retain data streams to delay and/or discard data as appropriate, however, since Gardner fails to disclose a secondary demux within the invention one would not have included additionally data buffers until the addition of additional mux/demux units accordingly.

Gardner fails to disclose a second demux in conjunction with the smoothing buffer.

Eleftheriadis discloses the use of a FlexMux or flexible multiplexer or multiplexers which in turn would include appropriate number of demultiplexers or second demux.

The FlexMux option provides a simple multiplexing facility by allowing elementary streams to populate channels within a FlexMux (see Fig 3 and col 4 lines 14-30). It also allows multiple media to share a FlexMux PDU, which is useful for low delay and/or low-bandwidth applications.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a FlexMux as taught by Eleftheriadis within Gardner to allow

multiple streaming formats to be transferred directly over a network, by enabling the storage of multiplexed protocol data units.

Allowable Subject Matter

Claims 2, 3, 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

RJ
September 10, 2004

